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Date: August 3, 2007

To: All chiropractic physicians, stakeholders, and other interested parties

RE: **UPDATED PEER REVIEW POLICY GUIDELINE**

The Massachusetts Board of Registration of Chiropractors ("the Board") is pleased to provide you with a copy of its revised Peer Review Policy Guideline ("PRPG"), which the Board voted to adopt at its August 2, 2007 meeting. This PRPG replaces the PRPG dated May 3, 2001.

Shortly after the promulgation of the chiropractic facility regulations, the Board turned its attention to the issue of chiropractic peer reviews. This undertaking commenced in June, 2006 with a Public Forum at Bunker Hill Community College. Individuals from state government, the insurance industry, the Massachusetts Chiropractic Society, utilization review organizations, chiropractic practitioners, and public citizens communicated their perspectives and concerns regarding this matter.

During the past 15 months, the Board has received much input from numerous sources and for that we are much appreciative. In April, 2007, the Board circulated a draft PRPG and asked for written comments from interested parties. After numerous meetings, review of written comments, and discussion, the Board adopted the enclosed PRPG, which outlines Examiner Qualifications and contents of a Peer Review Report.

Throughout this process, the issue of Dispute Resolution consumed the most discussion and deliberation. The Board recognizes that the current system of peer review rebuttals, mediation, and use of the judicial system is in place but appears unsatisfactory to many stakeholders. The Board has reviewed the comments submitted and acknowledges the frustration of many in the peer review system. In the end, the Board determined that establishing a means of resolving disputes arising out of peer reviews is most appropriately resolved by statutory means through legislative action. In consideration of fairness and good will, the Board recommends that the chiropractic profession, auto insurance industry, peer review industry, and other interested parties work together in helping Governor Patrick and the Commonwealth's legislature statutorily address the issue of peer review.

Sincerely,

Edward J. Barowsky, DC  
Chairman  
Massachusetts Board of Registration of Chiropractors  
Encl.



**MASSACHUSETTS BOARD OF REGISTRATION OF CHIROPRACTORS**  
**PEER REVIEW POLICY GUIDELINE**

**August 2, 2007**

**Supersedes:** Similarly named guideline, dated May 3, 2001

The Massachusetts Board of Registration of Chiropractors (“Board”) voted on August 2, 2007, to implement the following Policy Guideline concerning the practice of independent chiropractic examinations and independent chiropractic paper/file reviews. This guideline is intended as a recommended protocol for the profession to follow when conducting peer reviews. This guideline does not have the force or effect of law, as would a Massachusetts General Law or a Board rule or regulation. However, the Board utilizes these and other guidelines as an internal management tool in formulating decisions that relate to issues of chiropractic practice.

**Purpose:** The Board is responsible for licensing chiropractic practitioners and ensuring that its licensees follow appropriate protocols and criteria in all aspects of the delivery of chiropractic services. The performance of independent chiropractic examinations and independent chiropractic paper/ file reviews is the practice of chiropractic. Licensees are expected to uphold the same professional standards in their peer reviews as is required in direct patient care. This document provides guidance to our licensees concerning issues pertaining to peer reviews.

**I. Definitions:**

- (A) For the purposes of this guideline, the following definitions shall apply:
1. “Examiner” means a chiropractor performing a Peer Review.
  2. “Peer Review” means the evaluation by a Massachusetts licensed chiropractor, other than the attending chiropractor, at the request of a third party of the necessity, appropriateness, quality, utilization, cost and/or efficiency of chiropractic services and ethical performance of chiropractic care. Peer review includes the performance of independent chiropractic examinations and independent chiropractic paper/file reviews.

II. Examiner Qualifications:

- (A) An Examiner shall have:
  - 1. A current, valid certificate of registration issued by the Board and
  - 2. At least four (4) years of verifiable experience in active clinical practice within the Commonwealth.
- (B) An Examiner shall adhere to all of the Board's laws, regulations, and clinical standards when performing a Peer Review.
- (C) An Examiner shall refrain from conducting a Peer Review if he or she cannot perform this review in an unbiased or impartial manner.

III. Contents of the Peer Review Report:

- (A) A Peer Review Report shall contain, but is not limited to, the following information:
  - 1. A detailed list of all information that was in documents provided to Examiner;
  - 2. The results of any Independent Chiropractic Examination performed by the Examiner on the patient. This examination should follow standard Evaluation and Management services and contain all of the information required in 233 CMR 4.05 (1);
  - 3. A review of the treating chiropractor's initial and updated examination findings, diagnoses, treatment plan, prognosis, and documented outcome(s);
  - 4. The Examiner's opinion of causality that correlates the patient's medical condition to a specific event; and
  - 5. The Examiner's opinion on the chiropractic services and care provided, including recommendations for future care.
- (B) An Examiner shall base his or her opinions on factual information drawn from the standards and accepted guidelines within the chiropractic profession. Personal opinions that cannot be substantiated shall be omitted.

IV. Dispute Resolution: Any difference of opinion between the treating chiropractor and the Examiner shall be expressed in writing and made part of the patient's record.